

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

March 25, 2009

The meeting was called to order at 4:04 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Jack Matheson, Terri Mills, Phil Conder, and Jason Jones

ABSENT:

Mary Jayne Davis and Joe Garcia

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Jody Knapp, Steve Lehman, and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, Deputy City Attorney

AUDIENCE

Approximately ten (10) people were in the audience

ZONE CHANGE APPLICATION:

Z-1-2009

John Duddleston

2481 South 7200 West

A to M

0.37 acres

John Duddleston is requesting a zone change for 16.1 acres of a 0.37 acre parcel at 2481 South 7200 West from A (agriculture) to M (manufacturing). Surrounding zones include A to the north and south, M to the east, and A-1 (agriculture) to the west in Magna. Surrounding land uses include single family homes to the north and south and vacant land to the east and west. The subject property and the property to the north, south and east are designated as light manufacturing in the West Valley City General Plan. The subject property is vacant.

If this rezone is approved, the applicant intends to develop the property as a drive-thru coffee business. A conceptual plan of the coffee business is attached. Also attached is a letter from Kirk Cameron, the property owner, describing the proposed business and why he believes it should be approved.

Any development within the M Zone that shares a common boundary with existing or proposed residential uses is processed as a conditional use. If this rezone is approved, the following issues should be addressed as part of the conditional use: whether or not a masonry wall will be required along the north property line and compliance with the commercial design standards.

In Mr. Cameron's letter he mentions traffic along 7200 West as one of the reasons for commercial use. In 2007, average annual daily traffic along 7200 West between 3500 South and Highway 201 was 11,490. For means of comparison, 2007 traffic along 3500 South ranged from 16,115 on the west end of the City to 51,835 near I-215.

While there is no minimum lot size for the M Zone, the C-2 (general commercial) Zone requires a minimum lot size of 20,000 square feet. The subject property is 16,170 square feet in area and is 70' wide which is small and narrow for a commercial property.

Staff Alternatives:

- Approval of the zone change as commercial use is anticipated with light industrial.
- Continuance to address issues raised during the public hearing.
- Denial, the property is too small for commercial use and is adjacent to two homes.

Applicant:

John Duddleston
1178 W. 13040 S.
Riverton, UT 84065

Favored:

Fidel Zisamoo
7141 Gates Ave.
WVC, UT

Discussion: Steve Pastorik presented the application. Terri Mills questioned if housing is permitted in a manufacturing zone. Steve replied that it would be considered non-conforming and added that the situation was inherited from Salt Lake County. Jack Matheson questioned if a masonry wall is required next to a residential property. Steve replied yes but explained that if commercial use is planned in the future, another type of screening can be determined by the Planning Commission. Harold Woodruff asked if the remaining property on the corner is big enough to do something like a convenience store. Steve stated that he isn't sure of convenience store requirements but the property is about 150' along 7200 West and 250' going east and west. This roughly equals to a little over $\frac{3}{4}$ of an acre.

Brent Fuller questioned if the applicant owns the small piece on the corner. John Duddleston, the applicant, replied that he is the contractor. Jason questioned how much of the split zoned lot is dedicated to residential use. Steve replied that the owner would need to rezone the other half of the property if they wanted to do anything industrial or commercial on the lot. He indicated that the manufacturing zone is about 66 feet of the property and the agriculture zone is about 82 feet. Terri Mills commented that she is concerned with the small size of the property as well as spot zoning. She stated that she feels rezoning the neighboring lots would make the area more useable. She added that she doesn't feel now is the appropriate time for rezoning because there is nothing else out there. Phil Conder replied that he doesn't believe the same owner owns the property and it doesn't make sense for the property to be unused until an agreement is made. Harold Woodruff stated that he would feel better if the whole corner was a bigger building and business.

Fidel Zisamoo, a neighbor to the property, made complaints about the corner house and its poor visual appearance. He stated that the entire area has become very run down and having a coffee shop will be a positive addition to the community. Mr. Duddleston added that the property owner to the north plans to develop his property into a retail use as well but is waiting until the area becomes more developed. Phil Conder asked if there have been any discussions to work together on a single project. John stated that discussions were held years ago but he can't speak for either property owner on any possibilities. Commissioner Matheson commented that he believes this will serve a useful purpose and is a start to improve the community.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval of the zone change as commercial use is anticipated with light industrial.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	No
Commissioner Matheson	Yes
Commissioner Mills	No
Chairman Woodruff	Yes

Majority -Z-1-2009– Approved

ZONE TEXT CHANGE APPLICATION:

ZT-2-2009

**Major Home Occupation for feeder animal breeding
Skye Rees**

The following application was continued from the February 25, 2009 meeting to allow time for staff to research and draft a more formal ordinance.

This is a proposed amendment to Section 7-8-103 of the West Valley City Municipal Code relating to major home occupations.

The applicant, Mr. Rees operates a rat breeding facility out of his garage and an accessory building on his property, which is located in an R-1-8 zone. Currently, animal breeding facilities are only allowed in the agricultural zone, on property with at least one-acre, and they are reviewed as a conditional use. Mr. Rees was made aware of this restriction and has submitted this application to amend the West Valley City Municipal Code to allow for a rat breeding facility in a residential zone. The amendment also proposes to allow for the business to be conducted within a garage and/or accessory building which is currently prohibited.

Mr. Rees submitted a draft ordinance with several conditions that he felt would apply to this use. Staff has contacted the USDA, the Salt Lake Valley Health Department, The UT Humane Society, and WVC Animal Control and received some guidelines and suggestions from these agencies to expand on the draft submitted by Mr. Rees.

The proposed ordinance is as follows:

Section 7-8-103 MAJOR HOME OCCUPATION STANDARDS

Major home occupations are defined as home occupations which meet the standards listed in Section 7-8-102 above, except as specifically modified by the Planning Commission as provided herein. The Planning Commission may allow as a conditional use increases in intensity of a home occupation, as follows:

(4) Feeder Animal Breeding under the following conditions:

- (a) The use must be located within a fully enclosed structure and may not be located in a carport, patio, breezeway, or any part of the yard space.

- (b) The space occupied by this use shall be secured and dedicated only to this use and shall not be shared with any other use or activity unless specifically approved by the Planning Commission and the West Valley City Animal Control Division.
- (c) If located within an accessory building or garage, the building shall conform to all West Valley City Codes, including but not limited to the required setbacks for the zone the use is located within and all building code regulations.
- (d) This use shall not displace the minimum required parking for the residence.
- (e) There shall be no sounds, odors or other signs of animals detected outside of the facility.
- (f) Subject to at least one annual inspection from the West Valley City Animal Control Department.
- (g) Must meet the requirements of all effected agencies, including but not limited to the West Valley City Animal Control Department, Salt Lake Valley Health Department and the Humane Society of UT.
- (h) Additional conditions shall be applied to this use as part of the Major Home Occupation review by the Planning Commission for the specific animal being bred.

The following definition is also be proposed:

Feeder Animal Breeding: Commercially breeding and raising an animal, insect, amphibian, etc. as a food source for another animal, insect, amphibian, etc.

Staff Alternatives:

1. **Denial**, as this is not an appropriate use in a residential zone.
2. **Continuance**, to provide time for staff to research and draft a more formal ordinance for review.
3. **Approval**, of the ordinance as listed above.

Applicant:

Skye Rees
3877 S. 6955 W.
WVC, UT

Favored:

Don Belnap
7883 W. 2985 S.
WVC, UT

Discussion: Jody Knapp presented the application. The applicant, Skye Rees, stated that he feels this is a beneficial business to several people in the community. He explained that this is a small animal that remains locked up at all times, doesn't cause a smell or make any noise, and is not visible from outside the home. He indicated that many people can't afford to feed their pet reptiles but with this business he will be able to provide the rats at a lower price and the needed quantity.

Don Belnap, an animal control officer for Salt Lake County and friend to Mr. Rees, stated that the reptile business has boomed in the last 20 years. He stated that if appropriate standards are set, there should be no problem with this type of small local business. He indicated that the animals don't roam free, do not contain any diseases, and can be checked by animal control on a yearly basis to ensure compliance. He stated that ordinances need to be updated and set in place to ensure good standards for care.

Phil Conder stated that it's easy to get lost in what needs to be addressed and the whole issue is actually land use. He indicated that his biggest concern is defining a breeder animal and he feels that by approving this application, too many avenues for other people who aren't as responsible become open. Brent Fuller agreed. Harold Woodruff clarified that anyone in a home on any sized lot would be able to apply if this application were approved. Terri Mills agreed and stated that this ordinance would allow someone who lived in a town home or condo the ability to breed feeder animals as well. Commissioner Conder added that he doesn't think it's even possible to begin enumerating the different types of breeder animals. Mr. Rees stated that all of his neighbors are okay with this application and no problems have risen because of his small business. Jody stated that the ordinance could be further defined to limit feeder animal breeding to a specific animal but the main question is if this use is appropriate in a residential zone. Mr. Belnap stated that regulations can be set in place to determine a definition of a feeder animal and specific stipulations to ensure there is no problem in residential areas. Commissioner Mills stated that she doesn't believe this is something that should be in the home occupation ordinance and indicated that this type of business feels too intense for a residential zoning.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for denial as this is not an appropriate use in a residential zone.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	Yes

Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous -ZT-2-2009– Denied

SUBDIVISION APPLICATIONS:

S-3-2009

In N Out Subdivision

3715 South 2700 West

C-2 Zone

1 Lot

BACKGROUND

Satterfield Helm Valley Fair, is requesting preliminary and final subdivision approval for a one lot commercial subdivision in the C-2 Zone. The subject property is located at the southwest corner of the Valley Fair Mall property.

ISSUES:

The subdivision is being proposed to create an additional lot within the Valley Fair Mall site. The new lot will be located at the southwest corner of the mall property. A new building will replace the existing Big-O tire store. The tenant for this property, In N Out Burger, requires ownership for their business, which has resulted in the need to divide the property.

The new lot will be approximately .7 acres in size. Access will be gained from 2700 West and from internal access within the mall property. A conditional use application was reviewed by the Planning Commission earlier this month. Issues such as those just mentioned, were discussed and resolved.

One of the concerns regarding development of a new lot, is Granger Hunter's ability to provide water and sewer service. At the present time, water and sewer services are available by easement through the mall property. However, because a new lot will be platted, problems have surfaced regarding GHID's ability to service an independent lot. Due to the lack of water and sewer services in 2700 West, the new lot will need to continue using the existing services. Although this is not an ideal situation from Granger Hunter's point of view, they will allow the existing services to be used. However, a special agreement will need to be approved between the mall owners and GHID. It is staffs understanding that a final draft of this agreement has been prepared and is being reviewed by both parties. After speaking with GHID's engineering office, staff believes that this issue will be resolved prior to City Council review.

STAFF ALTERNATIVES:

1. Approve the In N Out Subdivision subject to a resolution of staff and agency comments.
2. Continue the application to address concerns raised during the Planning Commission hearing.

Applicant:

Johnny Arbuckle

Discussion: Steve Lehman presented the application. Jack Matheson questioned if In-N-Out will be subject to any mall requirements since they will be a separate lot. Johnny Arbuckle stated that there will be CC&R's put into place that will include standards that tie into the rest of the property. Commissioner Matheson asked who would accomplish snow removal. Mr. Arbuckle replied that In-N-Out will remove their own snow. Commissioner Matheson asked if there is any big advantage for In-N-Out to own their own lot. Mr. Arbuckle indicated that this is purely a request from In-N-Out and normally Satterfield Helm would not have accepted this request but they feel the restaurant will be a great opportunity for West Valley City.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval subject to a resolution of staff and agency comments.

Commissioner Jones seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous -S-3-2009– Approved

S-4-2009

Tousley Subdivision - Amended

3244 South 3600 West

RM Zone

1.3 Acres

BACKGROUND

Mr. Randy Tousley, is requesting an amendment to the Tousley Subdivision. The

Tousley Subdivision was recorded with the Salt Lake County Recorder's Office in November 2008. Lots 1, 2 and 4 each contain a single building comprised of four units each. The Tousley's are currently constructing a new building on lot 3 which is comprised of six units. The new building was originally planned to be rented. Mr. Tousley would like to establish this building as a town home in order to market units for home ownership. In order to accomplish this, the subdivision will need to be amended to create individual units.

STAFF/AGENCY CONCERNS:

Staff and agency concerns addressed during the original subdivision are still in place.

ISSUES:

- The proposed subdivision will amend the original plat by creating town home units for the new building presently under construction. Town home units will be created for the new building only, while the existing buildings will continue to be apartment units for rent.
- As part of the subdivision amendment, areas denoting common, limited common and private spaces will be introduced. These areas are for the protection of home buyers as well as those who presently live in this development.
- As part of the amended subdivision, the applicant will be required to provide a declaration and conditions covenants and restrictions. Staff has informed the applicant about this document and required information. The applicant will need to have this completed prior to plat recordation.
- As part of this application, Mr. Tousley is also proposing to gate the community. After evaluating the site plan, sufficient area exists for the gate to be installed. Staff recommends that the gate be installed at least 25 feet west of the existing right-of-way. This will provide an area for vehicles to stage while waiting for the gate to open. In addition, a center median with a card reader will need to be installed to satisfy the Fire Department. Mr. Tousley will be responsible to coordinate this prior to installation.
- Staff anticipates that additional fencing will need to be installed across the front of the project in order to make the entry gate worthwhile. Any such fencing will need to meet the height requirements for residential zones.

STAFF ALTERNATIVE:

1. Approval of the plat amendment subject to a resolution of staff and agency concerns.
2. Continuation to address any concerns raised during the Planning Commission

hearing.

Applicant:

Randy Tousley
3244 S. 3600 W.
WVC, UT

Discussion: Steve Lehman presented the application. Phil Conder clarified that approving this amendment doesn't exclude the rental possibility, it just broadens ownership options for the applicant. Randy Tousley expressed his gratitude for the Planning Commission and explained that this is a learning process for him. He stated that having an ownership option is the best financial prospect for the future. Mr. Tousley added that the HOA will protect the frontage road and any required maintenance. Phil Conder commended Mr. Tousley on a doing a good job with the area.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval of the plat amendment subject to the resolution of staff and agency concerns as well as requiring that if a gated community is decided, it must return to the Planning Commission.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous -S-4-2009- Approved

PLANNING COMISSION BUSINESS

Approval of minutes from March 11, 2009 (Regular Meeting) **Approved**

Approval of minutes from March 18, 2009 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:56 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant